

AMENDED IN SENATE AUGUST 10, 2006

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CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2722

Introduced by Assembly Member Canciamilla

February 24, 2006

An act to amend Section 60200 of, and to add Section 60200.1 to, the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 2722, as amended, Canciamilla. Instructional materials: adoption and use.

(1) Existing law requires the State Board of Education to adopt at least 5 separate basic instructional materials, as defined, for use in kindergarten and each of grades 1 to 8, inclusive, in language arts, mathematics, science, social science, bilingual or bicultural subjects, known as the core subjects, and any other subject, discipline or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable. Existing law prescribes specific criteria by which instructional materials for use in kindergarten and each of grades 1 to 8, inclusive, are to be reviewed for adoption. Existing law authorizes instructional materials to be submitted for adoption no less than 2 times every 6 years for the core subjects, and no less than 2 times every 8 years for any other subject, discipline, or interdisciplinary area.

This bill would prohibit the state board from adopting basic instructional materials in language arts or mathematics for the same grade level in successive years. The bill would require the State Board

of Education to allow the continued use of certain instructional materials for not more than 2 years following the 6th year after those instructional materials are adopted if specified conditions are met. The bill would require that instructional materials for language arts be submitted to the state board for adoption in ~~2009~~ 2008.

(2) Existing law establishes the Instructional Materials Funding Realignment Program to provide funding for instructional materials to school districts on the basis of an equal amount per pupil enrolled in public elementary and high schools, as specified. Existing law requires school districts to use funding received pursuant to the program to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials, no later than 24 months after adoption by the state board.

This bill, notwithstanding existing provisions of the Instructional Materials Funding Realignment Program, would require school districts to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials for English language arts, no later than 36 months after adoption of those materials by the state board in 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60200 of the Education Code is
2 amended to read:
3 60200. The state board shall adopt basic instructional
4 materials for use in kindergarten and grades 1 to 8, inclusive, for
5 governing boards, subject to the following provisions:
6 (a) The state board shall adopt at least five basic instructional
7 materials for all applicable grade levels in each of the following
8 categories:
9 (1) Language arts, including, but not limited to, spelling and
10 reading. However, the state board may not adopt basic
11 instructional materials in this category or the category specified
12 by paragraph (2) in the year succeeding the year in which the
13 state board adopts basic instructional materials in this category
14 for the same grade level.
15 (2) Mathematics. However, the state board may not adopt
16 basic instructional materials in this category or the category

1 specified by paragraph (1) in the year succeeding the year in
2 which the state board adopts basic instructional materials in this
3 category for the same grade level.

4 (3) Science.

5 (4) Social science.

6 (5) Bilingual or bicultural subjects.

7 (6) Any other subject, discipline, or interdisciplinary areas for
8 which the state board determines the adoption of instructional
9 materials to be necessary or desirable.

10 (b) The state board shall adopt procedures for the submission
11 of basic instructional materials in order to comply with each of
12 the following:

13 (1) (A) Instructional materials may be submitted for adoption
14 in any of the subject areas pursuant to paragraphs (1) to (5),
15 inclusive, of subdivision (a) not less than two times every six
16 years and in any of the subject areas pursuant to paragraph (6) of
17 subdivision (a) not less than two times every eight years. The
18 state board shall ensure that curriculum frameworks are reviewed
19 and adopted in each subject area consistent with the six- and
20 eight-year submission cycles and that the criteria for evaluating
21 instructional materials developed pursuant to subdivision (b) of
22 Section 60204 are consistent with subdivision (c). The state
23 board may prescribe reasonable conditions to restrict the
24 resubmission of materials that have been previously rejected if
25 those resubmitted materials have no substantive changes.

26 (B) A local educational agency may continue to use the
27 instructional materials adopted in mathematics after January 1,
28 2001, and adopted in language arts after January 1, 2002, for not
29 more than two years following the sixth year after the adoption,
30 provided that the local educational agency certifies by resolution,
31 in accordance with subparagraph (A) of paragraph (1) of
32 subdivision (a) of Section 60119, that each pupil has been
33 provided with the adopted materials and that the materials are in
34 serviceable condition for continued use. The local educational
35 agency shall also certify in its resolution all of the following
36 findings regarding the instructional materials proposed for
37 continued use:

38 (i) They are available to each pupil.

39 (ii) They are in serviceable condition.

40 (iii) They are aligned to the state content standards.

(iv) They are appropriate in the context of confirmed scientific research.

(2) Submitted instructional materials shall be adopted or rejected within six months of the submission date of the materials pursuant to paragraph (1), unless the state board determines that a longer period of time, not to exceed an additional three months, is necessary due to the estimated volume or complexity of the materials for that subject in that year, or due to other circumstances beyond the reasonable control of the state board.

(c) In reviewing and adopting or recommending for adoption submitted basic instructional materials, the state board shall use the following criteria, and ensure that, in its judgment, the submitted basic instructional materials meet all of the following criteria:

(1) Are consistent with the criteria and the standards of quality prescribed in the state board's adopted curriculum framework. In making this determination, the state board shall consider both the framework and the submitted instructional materials as a whole.

(2) Comply with the requirements of Sections 60040, 60041, 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the state board's guidelines for social content.

(3) Are factually accurate and incorporate principles of instruction reflective of current and confirmed research.

(4) Adequately cover the subject area for the grade level or levels for which they are submitted.

(5) Do not contain materials, including illustrations, that provide unnecessary exposure to a commercial brand name, product, or corporate or company logo. Materials, including illustrations, that contain a commercial brand name, product, or corporate or company logo may not be used unless the board determines that the use of the commercial brand name, product, or corporate or company logo is appropriate based on one of the following specific findings:

(A) If text, the use of the commercial brand name, product, or corporate or company logo in the instructional materials is necessary for an educational purpose, as defined in the guidelines or frameworks adopted by the state board.

(B) If an illustration, the appearance of a commercial brand name, product, or corporate or company logo in an illustration in

1 instructional materials is incidental to the general nature of the
2 illustration.

3 (6) Meet other criteria as are established by the state board as
4 being necessary to accomplish the intent of Section 7.5 of Article
5 IX of the California Constitution and of Section 1 of Chapter
6 1181 of the Statutes of 1989, provided that the criteria are
7 approved by resolution at the time the resolution adopting the
8 framework for the current adoption is approved, or at least 30
9 months prior to the date that the materials are to be approved for
10 adoption.

11 (d) If basic instructional materials are rejected, the state board
12 shall provide a specific, written explanation of the reasons why
13 the submitted materials were not adopted, based upon one or
14 more of the criteria established under subdivision (c). In
15 providing this explanation, the state board may use, in whole or
16 in part, materials written by the commission or any other advisers
17 to the state board.

18 (e) The state board may adopt fewer than five basic
19 instructional materials in each subject area for each grade level if
20 either of the following occurs:

21 (1) Fewer than five basic instructional materials are submitted.

22 (2) The state board specifically finds that fewer than five basic
23 instructional materials meet the criteria prescribed by paragraphs
24 (1) to (5), inclusive, of subdivision (c), or the materials fail to
25 meet the state board's adopted curriculum framework. If the state
26 board adopts fewer than five basic instructional materials in any
27 subject for any grade level, the state board shall conduct a review
28 of the degree to which the criteria and procedures used to
29 evaluate the submitted materials for that adoption were consistent
30 with the state board's adopted curriculum framework.

31 (f) This section does not limit the authority of the state board
32 to adopt materials that are not basic instructional materials.

33 (g) If a district board establishes to the satisfaction of the state
34 board that the state-adopted instructional materials do not
35 promote the maximum efficiency of pupil learning in the district,
36 the state board shall authorize that district governing board to use
37 its instructional materials allowances to purchase materials as
38 specified by the state board, in accordance with standards and
39 procedures established by the state board.

(h) Consistent with the quality criteria for the state board's adopted curriculum framework, the state board shall prescribe procedures to provide the most open and flexible materials submission system and ensure that the adopted materials in each subject, taken as a whole, provide for the educational needs of the diverse pupil populations in the public schools, provide collections of instructional materials that illustrate diverse points of view, represent cultural pluralism, and provide a broad spectrum of knowledge, information, and technology-based materials to meet the goals of the program and the needs of pupils.

(i) Upon making an adoption, the state board shall make available to listed publishers and manufacturers and all school interests a listing of instructional materials, including the most current unit cost of those materials as computed pursuant to existing law. Items placed upon lists shall remain thereon, and be available for procurement through the state's systems of financing, from the date of the adoption of the item and until a date established by the state board. The date established by the board for continuing items on that list shall be the date on which the state board adopts instructional materials based upon a new or revised curriculum framework. Lists of adopted materials shall be made available by subject and grade level. The lists shall terminate and shall no longer be effective on the date prescribed by the state board pursuant to this subdivision.

(j) The state board may approve multiple lists of instructional materials, without designating a grade or subject, and the state board may designate more than one grade or subject whenever it determines that a single subject designation or a single grade designation would not promote the maximum efficiency of pupil learning. Any materials so designated may be placed on single grade or single subject lists, or multigrade or interdisciplinary lists, or may be placed on separate lists including other materials with similar grade or subject designations.

(k) A composite listing in the format of an order form may be used to meet the requirements of this section.

(l) The lists maintained pursuant to this section shall not be deemed to control the use period by any local district.

(m) The state board shall give publishers the opportunity to modify instructional materials, in a manner provided for in

1 regulations adopted by the state board, if the state board finds
2 that the instructional materials do not comply with paragraph (5)
3 of subdivision (c).

4 (n) This section does not prohibit the publisher of instructional
5 materials from including whatever corporate name or logo on the
6 instructional materials that is necessary to provide basic
7 information about the publisher, to protect its copyright, or to
8 identify third-party sources of content.

9 (o) The state board may adopt regulations that provide for
10 other exceptions to this section, as determined by the board.

11 (p) The Superintendent shall develop, and the state board shall
12 adopt, guidelines to implement this section.

13 SEC. 2. Section 60200.1 is added to the Education Code, to
14 read:

15 60200.1. (a) The instructional materials described in
16 paragraph (1) of subdivision (a) of Section 60200 shall be
17 submitted to the state board for adoption in ~~2009~~: 2008.

18 (b) *Notwithstanding Section 60422, school districts shall*
19 *provide pupils with standards-aligned textbooks or basic*
20 *instructional materials described in paragraph (1) of subdivision*
21 *(a) of Section 60200, as adopted by the state board in 2008*
22 *pursuant to subdivision (a), subsequent to the adoption of content*
23 *standards pursuant to Section 60605 for kindergarten and grades*
24 *1 to 8, inclusive, by the beginning of the first school term that*
25 *commences no later than 36 months after those materials are*
26 *adopted by the state board.*